

~~PROPOSED~~ ORDER/COVER SHEET

TO: Honorable Wayne D. Brazil
U.S. Magistrate Judge

FILEDRE: RAY, Moaney

DEC 13 2006

FROM: Claudette M. Silvera, Chief
U.S. Pretrial Services Officer

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

DOCKET NO.: 4-06-70706 WDB-1

DATE: December 13, 2006

THE ATTACHED MEMORANDUM WAS PREPARED BY PRETRIAL SERVICES OFFICER:

Victoria Gibson
U.S. Pretrial Officer Specialist

510-637-3752
TELEPHONE NUMBER

RE: MODIFICATION OF CONDITIONS (OR INFORMATION/VIOLATION)

We are requesting direction from the Court. Please initial the appropriate box(es), and return this form to us so that we may comply with your instructions.



I have reviewed the information that you have supplied. I do not believe that this matter requires any action by this Court at this time.



Inform all parties concerned that I will conduct a Bail Review Hearing in Courtroom No. _____ on _____ at _____.



Inform all parties concerned that a Bail Review Hearing will be conducted by:
Magistrate Judge _____ Presiding District Court Judge _____



I agree with the recommendation of the Pretrial Services Officer and hereby modify the defendant's Pretrial Release conditions as indicated below:



Modification(s)

A.

B.



Bail Revoked/Bench Warrant Issued.



I am returning the signed order and direct that a copy be provided to the Court file and all interested parties(AUSA and Defense Counsel).



Other Instructions:

Defendant will be required to come to court for a hearing and possible remand if he has any positive tests after 12-15-06

Wayne D. Brazil
JUDICIAL OFFICER

12-13-06
DATE

cc: WDB's Staff, Pretrial, Financial, Copy to parties via ECF

To: Honorable Wayne D. Brazil
U.S. Magistrate Judge
From: Victoria Gibson
U.S. Pretrial Officer Specialist
Subject: RAY, Moaney
4-06-70706 WDB-1
Date: December 13, 2006



MEMORANDUM

Your Honor,

The above-referenced individual initially appeared before Your Honor on October 31, 2006, charged in a Complaint with violations of Title 21, United States Code, Section 846 and 841(a)(1)- Conspiracy and Distribution of Methamphetamine. He was ordered released on November 2, 2006, on a \$150,000 unsecured bond with special conditions, including halfway house placement.

VIOLATION: Upon entering Cornell Corrections in Oakland, California, on November 3, 2006, the defendant submitted a urine sample which tested positive for marijuana. This can possibly be attributed to drug use which occurred prior to the defendant's arrest for the instant offense. If that were the case, Pretrial Services anticipated that the defendant should test negative for any illicit drugs within approximately two to three weeks (depending on his level of use prior to his arrest). The defendant submitted another test on November 25, 2006, which was positive for marijuana. On November 30, 2006, the defendant tested negative for all illicit substances. Then, on December 4, 2006, the defendant again tested positive for marijuana.

Pretrial Services contacted Scientific Testing Laboratories and spoke to a certifying scientist about the defendant's tests. The scientist reported that the tests registered the following nanogram levels (the level of the THC metabolite detected in the urine):

November 3, 2006- Sample C00617931- 152 nanograms
November 25, 2006- Sample C00618014- 101 nanograms
November 30, 2006- Sample C00617973 - NEGATIVE
December 4, 2006- Sample C00618012- 122 nanograms

According to the certifying scientist, new drug use seems likely.

Pretrial Services spoke to the defendant, and he denies any drug use. We also spoke to the defendant's mother, Monica Bird, who is a surety on the defendant's bond. She is concerned about the appearance that her son is using marijuana, and stated that if the positive tests continue, she will ask to be removed as a surety.

RECOMMENDATION: This officer is concerned with the defendant's positive drug tests. Although Pretrial Services is not requesting Court action at this time, we will be closely monitoring future tests, and should the tests continue to be positive, we will request a violation hearing be conducted by Your Honor.

MEMORANDUM FOR THE HONORABLE WAYNE D. BRAZIL
U.S. MAGISTRATE JUDGE
RE: RAY, MOANEY
PAGE 2

DOCKET: 4-06-70706 WDB-1

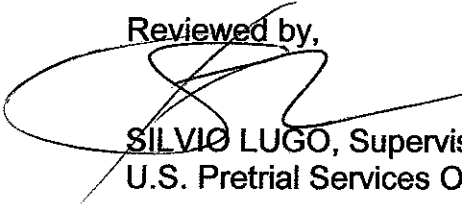
This memorandum is presented for Your Honor's information and consideration.

Respectfully submitted,



VICTORIA GIBSON
U.S. Pretrial Officer Specialist

Reviewed by,



SILVIO LUGO, Supervising
U.S. Pretrial Services Officer

cc: Garth Hire, AUSA
Ismail Ramsey, Defense Counsel